

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
(SAN ANTONIO DIVISION)**

In re:	§	
CINCH WIRELINE SERVICES, LLC	§	Case No. 23-51742-cag
Debtor	§	Chapter 7
	§	
JOHN PATRICK LOWE, CHAPTER 7	§	
TRUSTEE FOR CINCH WIRELINE	§	
SERVICES, LLC,	§	
Plaintiff	§	
v.	§	
	§	Adversary 24-05011-cag
FRANK THOMAS SHUMATE; MARK	§	
LOPEZ; LORETTA L. HIGGINS;	§	
TIMOTHY GAINES POLLARD; JERRY	§	
MILLER; MARTIN KROESCHE;	§	
[THE “INDIVIDUAL-DEFENDANTS”]	§	
CINCH ENERGY SERVICES, LLC;	§	
CINCH INVESTMENT HOLDINGS, LLC;	§	
CES GROUP HOLDINGS, LLC; HOOK N	§	
BULL PROPERTIES, LLC; LOS CABOS	§	
RANCH, LLC; FTS RANCH, LLC; FTSJR	§	
HOLDINGS, LLC; WFO HOMES, LLC;	§	
TEXAS COAST BUILDERS, LLC; 17	§	
MAIN, LLC; GRANDER HOLDINGS,	§	
LLC; WFO, LLC; PONDER RANCH,	§	
LLC; BL EQUITY HOLDINGS, LLC;	§	
OCEAN FLOOR HOLDINGS, LLC;	§	
SUPERIOR READY MIX OF TEXAS,	§	
LLC; SUPERIOR READY MIX, LLC;	§	
CAPITAL PROPERTY INVESTING,	§	
LLC; CORE ASSET RESOURCES,	§	
LLC; DRAKEFIRE MANAGEMENT,	§	
LLC; EDMUND HOME BUILDERS,	§	
LLC; CHATTINGTON INVESTMENTS,	§	
LLC; WILLIAM H HOLDINGS, LLC;	§	
LONE STAR CEMENT COMPANY, LLC;	§	
TIM POLLARD CONSTRUCTION, INC.	§	
[The “Entity Defendants”]	§	
and Other Yet UNKNOWN DEFENDANTS	§	
[“John Doe-Defendants”]; and	§	
SIMMONS BANK	§	
Defendants	§	

Adversary 24-05011-cag

**SECOND AMENDED
WITNESS AND EXHIBIT LIST OF
JOHN PATRICK LOWE, CHAPTER 7 TRUSTEE**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

NOW COMES John Patrick Lowe, Trustee (“Trustee”), the duly appointed and acting Chapter 7 Trustee in the above-captioned bankruptcy case, and hereby files its Second Amended Witness and Exhibit List to be used in connection with the Wednesday, July 14, 2024 hearing. Trustee may call the following witnesses and offer the following exhibits:

LIST OF WITNESSES

1. Frank Thomas Shumate
2. Loretta Higgins
3. Timothy Gaines Pollard
4. Israel Rodriguez
5. Any witness called by any other creditor, any other party in interest that may appear and seek to be heard at the hearing, and any rebuttal witness as may be required.
6. Any rebuttal witnesses necessary.

LIST OF EXHIBITS

Ex. #	Description	Offered	Objection	Admitted/ Not Admitted	Disposition
1.	Declaration and Proffer of Direct Testimony of Shelby A. Jordan [Judicial Notice #90-1]				
2.	Declaration and Proffer of Direct Testimony of Ernest “Butch” Boyd [Judicial Notice #90-2]				
3.	Photos of 30 boxes from first visit to Cinch offices on 4/26/24				
4.	Photos of 80 boxes from second visit to Cinch offices on 5/7/24				
5.	Photos of sever from second visit to Cinch offices on 5/7/24				
6.	Photos of boxes of laptops and a sever				

Ex. #	Description	Offered	Objection	Admitted/ Not Admitted	Disposition
	from second visit to Cinch offices on 5/7/24				
7.	Commercial Contract for 5821 Agnes Street with PMI LLC with a closing date of 6/10/24 signed by Pollard				
8.	Photo of O'Finan on phone with Shumate on first visit to Cinch offices on 4/26/24				
9.	Burn Pit (Admitted as Exhibit 1 on 4/19/24 during Preliminary Injunction Hearing)				
10.	Verification signed by Shumate and notarized by Mathis from case no. 5:24-cv-00319-OLG; Docket #10				
11.	Screenshot of Cinch Server Screen				
12.	Screenshot of Cinch Server Screen				
13.	7/24/24 Letter to Dick Fuqua				
17.	Live Access to Cinch OneDrive				
18.	5/2/24 Email from L. Higgins to R. Lee Murphy				
19.	Hook N Bull LOC Statements – 9.28.18 – 8.2.24				
20.	Hook N Bull 2 nd LOC Statements – 2.6.23 – 8.1.24				
21.	Transfer from Lone Star Cement				
22.	Photo of CWS Truck - 1				
23.	Photo of CWS Truck - 2				
24.	Photo of CWS Truck - 3				
25.	US DOT Information				
	Any exhibit identified, introduced, designated or relied upon by any other party.				
	Any exhibits necessary for rebuttal or impeachment purposes.				

The Trustee reserves the right to amend this Exhibit List and to introduce other exhibits as may be necessary for impeachment purposes. The Trustee also reserves the right to introduce exhibits designated by opposing counsel.

Dated: August 9, 2024

Respectfully submitted,

/s/ Butch Boyd

Butch Boyd

State Bar No. 00783694

Butch Boyd Law Firm, P.C.

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/s/ Shelby A. Jordan

Shelby A. Jordan
St. Bar No. 11016700; S.D. No. 2195
Antonio Ortiz
St. Bar No. 24074839; SD. No. 1127322
JORDAN & ORTIZ, P.C.
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**SPECIAL COUNSEL FOR JOHN PATRICK
LOWE, CHAPTER 7 TRUSTEE**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Witness and Exhibit List was served to the below, by the CM/ECF system or by electronic mail on August 9, 2024:

Butch Boyd

Butch Boyd Law Firm, P.C.
2905 Sackett Street
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713-589-8477
713-589-8563 (fax)
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Assigned: 07/18/2024

representing

**John Patrick Lowe, Chapter 7
Trustee for Cinch Wireline
Services, LLC
(Plaintiff)**

Gabi S Canales

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representing

**Michael Mendieta
(Interested Party)**

Mitchell Clark

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**Justin Sprencel
(Interested Party)**

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Assigned: 07/25/2024

representing

**Simmons Bank
(Interested Party)**

Richard L. Fuqua

Fuqua & Associates, PC
8558 Katy Freeway
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representing

**Loretta L. Higgins
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Katy, TX 77493
(Defendant)**

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713-960-0277
713-960-1064 (fax)
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Assigned: 05/28/2024

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Assigned: 05/20/2024

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(Defendant)
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Assigned: 04/26/2024

17 Main, LLC
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Assigned: 05/02/2024

Mark Lopez
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representing

Assigned: 05/13/2024

Los Cabos Ranch, LLC
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Agent
12600 N. Featherwood Drive, Suite
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(Defendant)
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Paul W. O'Finan

S M Chaudhry, Esq., Attorney at Law
PLLC

Frank Thomas Shumate
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representing

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Assigned: 04/24/2024

TERMINATED: 06/27/2024

Assigned: 05/08/2024

(Defendant)

representing

Timothy Gaines Pollard

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McCoy, TX 78113

(Defendant)

WFO Homes, LLC

c/o Tim Pollard, Registered Agent
146 Motts Parkway
Marion, TX 78124

(Defendant)

WFO, LLC

c/o Tim Pollard, Registered Agent
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(Defendant)

Assigned: 05/08/2024

representing

BL Equity Holdings, LLC

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(Defendant)

Assigned: 05/08/2024

TERMINATED: 06/27/2024

representing

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(Defendant)

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(Defendant)

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(Defendant)

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(Defendant)

FTSJH Holdings, LLC

c/o Frank T Shumate, Jr.,

Registered Agent

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(Defendant)

Grander Holdings, LLC

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2200 County Road 413

McCoy, TX 78113

(Defendant)

Hook N Bull Properties, LLC

c/o Frank T. Shumate, Jr.

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(Defendant)

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(Defendant)

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McCoy, TX 78113

(Defendant)

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Assigned: 06/03/2024

representing

McCoy, TX 78113
(Defendant)

CES Group Holdings, LLC
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McCoy, TX 78113
(Defendant)

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(Defendant)

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(Defendant)

FTSJR Holdings, LLC
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Registered Agent
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McCoy, TX 78113
(Defendant)

Frank Thomas Shumate
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Corpus Christi, TX 78414
(Defendant)

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(Defendant)

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2200 County Road 413
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WFO Homes, LLC
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146 Motts Parkway
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/s/ Butch Boyd
Butch Boyd